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EXAMINER

AL HASHEMI, SANA A

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/037,700

Filing Date: January 02, 2002

Appellant(s): HANSMANN ET AL.

Joyce Tom
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 18, 2005 appealing from the Office action mailed March 1, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

(3) Status of Claims

The statement of the status of claims contained in the brief is correct. Wherein Claims 21-29 are rejected. Claim 1-20, 30-43 are canceled in the amendment filed 10/18/05.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

5870759	Bauer	2-1999
6324544	Alam	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims: 21-29. Claims 1-20, and 30-43 are canceled.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 22, 24, and 26, the word "means" is preceded by the word(s) "for" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). The specification of the instant application does not provide and specific structure or material to describe the means plus function as claimed. Correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21- 24, and 26 are rejected under 35 U.S.C. as being anticipated by Bauer et al.

(US Patent No. 5,870,759).

Regarding Claim 21, Bauer discloses a client computer system for synchronizing data records stored on the client computer system with data records stored on a server system, the client computer system comprising:

a database for storing the data records (see column 6, lines 6-7, Bauer); and

a processor coupled to the database for creating setup information to the server system (Col. 9, lines 36-41, Bauer), wherein the setup information enables the server system to identify the client and to provide appropriate commands for the client (see column 6, lines 7-10, Bauer).

Regarding Claim 22, Bauer discloses a client computer system wherein the system further comprises:

means for detecting a changed record in the client database, and means for transmitting the changed record to the server system (see column 9, lines 62-67, Bauer).

Regarding Claim 23, Bauer discloses a client computer system wherein the processor further for executing a program compiled and transmitted by the server system, wherein the program updates and synchronizes the data records stored in the database (see column 10, lines 37-42, Bauer).

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Regarding Claim 24, Bauer discloses a client computer system further comprising means for downloading and starting the program (see column 11, lines 25-30, Bauer¹).

Regarding Claim 26, Bauer discloses a server system for synchronizing data records stored on the server system with data records stored in a client computer system, the server system comprising:

means for receiving setup information from the client computer system, wherein the setup information includes information to enable the server system to identify the client computer system and to provide appropriate commands for the client computer system (see column 16, lines 38-40, Bauer);

memory for storing the setup information coupled to the means for receiving (see Fig. 1, 10, Bauer);

a processor coupled to the memory (see Fig. 1, 20, Bauer); and

a database coupled to the processor for storing the server system data records (see column 15, lines 55-64, Bauer).

Regarding Claim 27, Bauer discloses a server system further comprising means for receiving a changed data record from the client computer system;

wherein, the setup information further describes a format of the data records stored in the client computer system, and the processor interprets the changed data record from the client computer system using the setup information, updates the database, and compiles a program comprising object code executable by the client computer system to update the client data records (see column 16, 48-56, Bauer).

¹ Examiner interprets the step of refreshing the client corresponds to download and start.

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Regarding Claim 28, Bauer discloses a server system further comprising means for detecting a changed data record in the database (see column 16, lines 57-59, Bauer);

wherein, the processor updates the database and compiles a program comprising object code executable by the client computer system to update the client data records (see column 16, lines 59-66, Bauer).

Regarding Claim 29, Bauer discloses a server system further comprising means for transmitting the program to the client computer system (see column 17, lines 14-20, Bauer).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Bauer (US Patent No. 5,870,759) in view of Alam et al. (US Patent No. 6,324,544).

Regarding Claim 25, Bauer discloses all the claimed limitation except for the client to be a mobile client. However, Alam teaches the method of synchronizing data between a mobile client and a database (see column 11, 12, lines 14-67, 1-63, respectively, Alam). It would have been obvious to one of ordinary skill in the art at the time of the invention to receive update and synchronize data from a handheld or mobile device/client with the motivation of providing access to all type of devices to store data in a database which has more space than the mobile

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devises which improve the speed of the mobile device and reduce the risk of losing the data since it has been stored on a server.

(10) Response to Argument

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Appellant argues that the Bauer fails to disclose the "setup information within the client."

Examiner disagrees. According to the Appellant definition for setup information as disclosed in the instant application specification "The setup information provided by the client 10 tells the server 20 where to find in a data block the information the server 20 needs. For example, if the database is an address book, the data block would include a person's name, street address, ZIP-code, and contact number, as defined in a v-card specification. In one preferred embodiment, the setup information is provided in header information".

Referring to the Col. 6, lines 6-15, each client has a unique identifier at the server to identify the specific client at the time of update or change. In order for the server to generate a unique identification number for each node (client) the node (client) must complete a contact information registering that node (client) at the server side, which corresponds to the claimed setup information and without that node (client) identification the server will not be able to identify which node (client) the server is communicate with at each time. The setup information is a well-known term in the database environment, for identifying a user and generating a unique ID for that user, the user is required to create a user profile which includes the user information identifying that user (e.g. client information as disclosed in col. 2, lines 1-4, Bauer). And by

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referring to Col. 8, lines 30-41, and specifically lines 36-38, the node (client) information is required and stored in a table at the server side to identify the node (client).

Appellant argues that the Bauer fails to disclose “that enable the server to identify the client [computer system], to identify where to find information the server needs for synchronization and to provide appropriate commands to the client”.

Examiner disagrees. Bauer discloses at Col. 2, lines 49-55, the database synchronizer determines a method of identifying where to find information the server needs for synchronization and to provide appropriate command to the client and server identify themselves to each other in order to communicate with each other. And by referring to Co. 8, lines 47-62, Bauer discloses identifying each column and row in a table with a unique key value which enable the server to identify where the information need to be synchronized can be located, since the synchronization is performed on a per-table basis where the replica may be a horizontal or a vertical subset of the source data and transaction groups can be defined which assure that synchronization of a group of tables is treated as an atomic unit of work, by identifying each column and row the server will be able to located the specific location of the information to be synchronized.

For the above reasons, it is believed that the rejections should be sustained.

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An appeal conference was held on December 16, 2005 with conferees:

Sana Al-Hashemi (Primary Examiner), Pierre Vital (SPE), and Tim Vo (SPE)

Respectfully submitted,

SA

December 16, 2005

Conferees:

/Pierre M. Vital/
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